

**ENTERED**

July 08, 2022

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

*IN RE: INTERCONTINENTAL* §  
*TERMINALS COMPANY LLC* § Lead Case No. 4:19-cv-1460  
*DEER PARK FIRE LITIGATION* §  
§

**AMENDMENT TO MAGISTRATE JUDGE'S REPORT AND**  
**RECOMMENDATION**

On June 24, 2022, the Court entered a Report & Recommendation (R&R), recommending that Defendants Intercontinental Terminals Company LLC, NSK Corporation, and NSK Ltd.'s (collectively, "Defendants") first motion to dismiss the claims of Plaintiffs who have failed to comply with Court orders regarding the submission of fact sheets, ECF No. 1068, be granted with regard to:

- (1) Plaintiffs who failed to include any claim information in their fact sheets and offer explanations for the deficiencies; and
- (2) Plaintiffs who failed to include any claim information in their fact sheets and defend against the motions to dismiss.

R&R, ECF No. 1194. Based on the information provided, the Court estimated that the second category of claims applied to 63 Plaintiffs. *Id.* at 7-11. After the entry of the R&R, Defendants informed the Court that 285 Plaintiffs, not 63, failed to include any claim information in their fact sheets and defend against the motions to dismiss. ECF No. 1197. Accordingly, the Court amends its R&R to recommend the dismissal

of 285 Plaintiffs who failed to include any claim information in their fact sheets and defend against the motions to dismiss as identified in Exhibit 1 to Defendants' notice, ECF No. 1197-1.

Signed on July 8, 2022, at Houston, Texas.

*Dena Palermo*  
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**Dena Hanovice Palermo**  
**United States Magistrate Judge**